

REMARKS

In response to the Official Action of May 21, 2007, claims 1, 22 and 32-34 have been amended in a manner which is believed to particularly point out and distinctly claim the invention. Support for this amendment is found in the original application as filed, including page 13, lines 17-20 and associated Figure 3.

Claim Rejections - 35 USC §103

At section 3, claims 1-3, 6, 8-10, 13, 16, 18-20, 22-23, 25, 28-29 and 31-34 are rejected under 35 USC §103(a) as unpatentable over US patent 5,903,851, Bäckström, further in view of US patent 6,539,271, Sayers, et al (hereinafter Sayers), further in view of US patent 6,088,600, Rasmussen.

With respect to claim 1, it is asserted that Bäckström discloses a method as claimed except that it does not specifically disclose the features of the connection information defining at least one of a protocol used in the multimedia call between the call parties and a transcoding parameter used in the multimedia call; wherein the supplementary call service is a call hold supplementary service; and stopping resynchronization attempts toward one of the call parties and stopping a related timer in order to prevent a call failure. It is further asserted that the features that the Office contends are not shown in Bäckström are taught by Sayers except for the feature of stopping resynchronization attempts toward one of the call parties and stopping a related timer in order to prevent call failure. It is further asserted that the feature of stopping resynchronization attempts toward one of the call parties and stopping a related timer in order to prevent a call failure is well known in the art as taught by Rasmussen.

It is contended by the Office that a person of ordinary skill in the art at the time the invention was made would find it obvious to combine the teachings of Bäckström, Sayers and Rasmussen in the manner as asserted by the Office.

It is specifically noted that with regard to the feature of storing connection information detected in said monitoring as set forth in claim 1, the Office relies on Bäckström; specifically, column 4, lines 7-11.

It is there specifically stated (column 4, lines 9-11) that:

“At the same time, information identifying the original circuit connection is stored within a register 88 of the MSC 30”.

It is therefore clear that Bäckström stores the connection information in the MSC and not in one of the end terminals. As pointed out above in support of the claim amendments, the present invention stores the connection information detected in the monitoring in one of said end terminals. Therefore, this specific requirement as set forth in amended claim 1 is not found in Bäckström and, in fact, Bäckström stores the information in the mobile switching center (MSC) and thus in a manner contrary to the teaching of the present invention.

Regarding the monitoring action recited in claim 1, it is specifically required that said monitoring is executed in an interworking function portion of one of said end terminals. The Office relies on Bäckström and specifically column 4, lines 49-65 which in reference to Figure 4 describes the functionality of the interworking unit (IWU) 40 and the MSC. As is readily apparent, the interworking unit 40 as shown in Figure 4 of Bäckström is not an end terminal. Similarly, the mobile switching center (MSC) is not one of the end terminals and thus this requirement of claim 1 is also not shown in Bäckström.

Furthermore, in the recited portion of Bäckström, it is specifically stated at column 4, lines 56-61:

“Once the (IWU) 40 detects a period of inactivity (timeout period) it requests the release of the radio link using a MAP signal at 135. The MSC 30 releases the radio link at 140 indicating to the MS 15 that this is a soft release, and the MS shall not perform a disconnect procedure towards the DTE 10.”

This portion of Bäckström shows that there is no teaching of the mobile station (MS) 15 “monitoring on a signaling path between end terminals” as specifically required in claim 1, but instead Bäckström discloses that the MS 15 is instructed by the MSC that the releasing of the radio link is a soft release. At column 5, lines 1-10 of Bäckström, a description is presented for a reconnection procedure which is done through the MSC and the IWU. Specifically at column 5, lines 5-8, it is stated:

“Once the radio connection has been reestablished, the MSC 30 looks within its register 88 to determine if the calling MSN/MSI already has a modem connection associated with the called party number”.

Bäckström then states at column 5, lines 8-10:

“If so, the MSC 30 transmits a MAP setup request 160 to the (IWU) 40 to reestablish an ARQ connection with the mobile station 15.”

Here again, it is clear that there is no teaching in Bäckström of the mobile station “monitoring on a signalling path between end terminals”, but rather the MSC transmits a MAP request to reestablish ARQ with the MS 15. Consequently, this specific feature of claim 1 is not disclosed or suggested in Bäckström.

Neither Sayers nor Rasmussen makes up for this deficiency in Bäckström and therefore it is respectfully submitted that claim 1 as amended is distinguished over the cited art.

Furthermore, as noted in applicant's previous remarks submitted in the amendment filed on March 13, 2007, the feature of stopping resynchronization attempts toward one of the call parties and stopping a related timer in order to prevent a call failure as set forth in amended claim 1, is not believed to be disclosed by Rasmussen. The Office relies upon Rasmussen, including column 6, lines 11-53 for support of a feature of stopping resynchronization attempts towards one of said call parties. This portion of Rasmussen discusses that some type of resynchronization procedure can be implemented in which the cellular modem being in an inactive state is periodically powered up to perform a quick re-train. Rasmussen does not disclose or suggest that a resynchronization, when implemented, can be stopped or a corresponding timer can be stopped. In fact, the disclosure of Rasmussen appears to be diametrically opposed to the actions recited in amended claim 1 and therefore it would not be possible to achieve the features recited in amended claim 1 based upon this art. In view of the foregoing, it is respectfully submitted that amended claim 1 is distinguished over Bäckström further in view of Sayers, further in view of Rasmussen.

Similar amendment has been made to independent apparatus claim 22, independent method claim 31 and independent apparatus claims 32-34 and for similar reasons as those presented above with respect to claim 1, these independent claims are also believed to be distinguished over Bäckström in view of Sayers further in view of Rasmussen.

Since each of the independent claims of the present application are believed to be distinguished over the cited art, it is respectfully submitted that all of the dependent claims are further distinguished over the cited art, including the above-mentioned cited

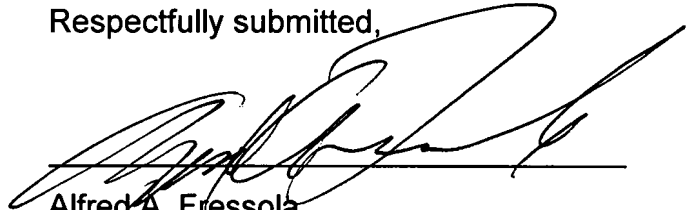
art with respect to dependent claims 2, 3, 6, 8-10, 13, 16, 18-20, 23, 25, 28 and 29, as well as dependent claims 14, 15, 26 and 27 in view of the above-cited art, further in view of US patent 6,424,646, Gerszberg, et al (hereinafter Gerszberg), as well as the rejection of claim 17 in view of the above art applied to claim 1, further in view of WO 99/41920, Hämäläinen, et al, further in view of Gerszberg, as well as the rejection of claim 21 in view of the art applied to claim 1, and further in view of US patent 6,584,190, Bressler.

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Dated: September 19, 2007

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955

Respectfully submitted,



Alfred A. Fressola
Attorney for Applicant
Registration No. 27,550